

PATRICK D. ROBBINS (CABN 152288)
Acting United States Attorney
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
Fax: (415) 436-6748

ERIC HAMILTON (CABN 296283)
Deputy Assistant Attorney General
DIANE KELLEHER

Branch Director

CHRISTOPHER HALL

Assistant Branch Director

ANDREW W. BERNIE

ALEXANDER W. RESAR

Trial Attorneys

U.S. DEPARTMENT OF JUSTICE

Civil Division, Federal Programs Branch

1100 L Street, NW
Washington, DC 20005
Telephone: (202) 616-8188
alexander.w.resar@usdoj.gov

Counsel for Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

Defendants.

Case No. 3:25-cv-03698-SI

**DECLARATION OF LORI A.
MICHALSKI**

1 I, Lori A. Michalski, declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am the Chief Human Capital Officer at the United States Department of Housing and
3 Urban Development (“HUD”), and I have served in this role since February 2021. In my current
4 role, I am responsible for providing oversight and management of all human capital functions for
5 the Department. This declaration is based on my personal knowledge and information provided
6 to me in my official capacity by others.

7 2. I am aware that on May 9, 2025, this Court issued an Order Granting Temporary
8 Restraining Order, and that on May 22, 2025, this Court issued an Order Granting Preliminary
9 Injunction.

10 3. I understand that the Temporary Restraining Order and the Preliminary Injunction
11 enjoined and/or stayed the defendant agencies, which includes HUD, from taking any actions to
12 implement or enforce sections 3(c) and 3(e) of Executive Order 14210 or the February 26, 2025,
13 OMB/OPM Memorandum, including by further implementation of Agency RIF and
14 Reorganization Plans (ARRPs) by executing any existing RIF notices or issuing any further RIF
15 notices.

16 4. In May 2025, HUD terminated 76 of 312 probationary employees. The terminations
17 of these probationary employees were pursuant to and consistent with the April 24, 2025,
18 Executive Order entitled Strengthening Probationary Periods in the Federal Service. Sections 2
19 and 3 of that Executive Order amend Civil Service Rule XI. The new Civil Service Rule XI, §
20 11.5(d), authorizes “the agency head, or his or her designee” to “consider,” amongst other
21 factors, “whether the . . . continued employment” of “an employee in a probationary or trial
22 period” “would advance organizational goals of the agency or the Government” and “whether
23 the employee’s continued employment would advance the efficiency of the service.”

24 5. Pursuant to that authorization, the appropriate management officials within each of the
25 relevant program offices determined to terminate 76 of 312 probationary employees based on the
26 Agency’s assessment that these employees’ continued employment would not advance the
27 organizational goals of the Agency and would not advance the efficiency of the service. The
28

1 appropriate management officials conducted individualized determinations for the 76 of 312
2 probationary employees that were terminated.

3 6. These probationary terminations were not pursuant to or to implement, and were
4 entirely independent from, sections 3(c) and 3(e) of Executive Order 14210 and the February 26,
5 2025, OMB/OPM Memorandum.

6 I declare under penalty of perjury that the foregoing is true and correct. Executed on
7 June 9, 2025.

9 LORI
10 MICHALSKI

Digitally signed by: LORI MICHALSKI
DN: CN = LORI MICHALSKI C = US O = U.
S. Government OU = Department of
Housing and Urban Development
Date: 2025.06.09 15:15:33 -04'00'

11
12 Lori A. Michalski